

Docket No.: 00-8024  
(PATENT)**REMARKS****I. Claims 1-30 as amended are novel and nonobvious**

Independent claims 1, 8, and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Sun (Office Action, page 3). In the Office Action, independent claim 1 was also rejected under 35 U.S.C. §102(e) as being anticipated by Whitfield (page 2) and again under 35 U.S.C. §102(e) as being anticipated by Onshage (page 3). As amended, claims 1, 8, and 22 include a "user interface configured to download the conversation data from the remote storage device to the memory" coupled to the wireless communication device (claims 1 and 8) or to the wireless communication device (claim 22). None of the references cited in the Office Action anticipates or even suggests such functionality. Similarly, none of the cited references, or any combination thereof, would render the claimed functionality obvious to one of ordinary skill in the art. The amendments to the claims are fully supported by the specification as originally filed. Therefore, claims 1, 8, 22, and all of their dependent claims (2-7, 9-21, and 23-30) are in condition for allowance.

**II. Rejection of claims 1, 3, and 7 under 35 U.S.C. §102(e).**

On page 2 of the Office Action, the Examiner rejected claims 1, 3, and 7 under 35 U.S.C. §102(e) as being anticipated by Whitfield. As discussed above, independent claim 1 has been amended to include a "user interface configured to download the conversation data from the remote storage device to the memory." Whitfield does not disclose such functionality. Therefore, for the same reasons discussed above, claim 1 and its dependent claims (claims 2-7) are in condition for allowance.

**III. Rejection of claims 1 and 2 under 35 U.S.C. §102(e)**

On page 3 of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §102(e) as being anticipated by Onshage. As discussed above, independent claim 1 has been amended to include a "user interface configured to download the conversation data from the remote storage device to the memory." Onshage does not disclose such functionality. Therefore, for the same reasons discussed above, claims 1, 2, and all of their dependent claims (claims 3-7) are in condition for allowance.

Further, Onshage does not disclose each claim limitation of claim 2. Specifically, Onshage fails to disclose a removable memory that "can be attached to a secondary device." As the Federal Circuit decision in *In re Sang Su Lee*, 2002 U.S. App. LEXIS 855 (Fed. Cir.

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January 18, 2002) makes clear, each and every element of the Applicants' claims must be supported by a prior art citation in order to reject the Applicants' claims. The Office Action cites paragraph [0033] of Onshage. However, that paragraph's disclosure is limited to a separate accessory device being connected to a mobile telephone; it says nothing about attaching to a secondary device. Therefore, Onshage does not disclose every limitation of claim 2.

**IV. Rejection of claims 1-14, 16, 17, 21-23, and 30 under 35 U.S.C. §102(e).**

On page 3 of the Office Action, the Examiner rejected claims 1-14, 16, 17, 21-23, and 30 under 35 U.S.C. §102(e) as being anticipated by Sun. As discussed above, independent claim 1, 8, and 22 have been amended to include a "user interface configured to download the conversation data from the remote storage device to the memory." Sun does not disclose such functionality. Therefore, for the same reasons discussed above, claims 1, 8, 22, and all of their dependent claims (2-7, 9-21, and 23-30) are in condition for allowance.

Claim 16 has been amended to recite a device interface "configured to download at least a portion of the conversation data from the storage location to the memory." Again, Sun does not disclose such functionality. Therefore, for the same reasons discussed above, claim 16 is in condition for allowance.

Claim 23 has been amended to include a limitation of accessing said data in said computer system *from said wireless communication device*. Sun does not disclose such functionality. Sun's figure 6 cited in the Office Action depicts a user interface, which Sun teaches as being "for an associated personal computer" (Specification, paragraph [0044]). Accordingly, Sun's disclosure cited in the Office Action is limited to an interface of a personal computer and does not teach a user interface that allows a user to access the data in the computer system *from the wireless communication device*. In addition, the interface of the mobile phone depicted by Figures 5A-5J of Sun does not include a disclosure of accessing the data at a storage location. Therefore, claim 23 and all of its dependents (claims 24-25) are in condition for allowance.

**V. Rejection of claims 15, 18-20, and 24-29 under 35 U.S.C. §103(a).**

On page 6 of the Office Action, the Examiner rejected claims 15, 18-20, and 24-29 under 35 U.S.C. §103(a) as being obvious over Sun in view of Reichmann. As discussed above, the cited references do not teach the functionality of a "user interface configured to download the conversation data from the remote storage device to the memory" now recited

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in amended independent claims 1, 8 and 22. Without any such teaching in the cited reference, this claimed limitation would not have been obvious to one of ordinary skill in the art. Therefore, claims 15, 18-20, and 24-29 are not obvious over Sun and Reichmann and are in condition for allowance.

Further, claims 15, 18-20, and 26-29 include limitations not taught or suggested by the cited art. Accordingly, the Examiner has not established a *prima facie* case for obviousness, which requires, among other things, that the applied references teach or suggest all of the claim limitations. See MPEP §2143; *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 981, 180 USPQ 560, 562 (CCPA 1972).

**A. Claims 15 and 26**

The cited references do not teach all of the functions recited in claims 15 and 26, much less the selection of a function from the recited group of functions. Claims 15 and 26 recite, among other functions, the functions of searching, translating, and converting the data. The cited references do not teach these functions.

**i. "Searching"**

The Office Action points to figures 5A-5J of Sun and asserts that these figures disclose searching. However, Applicants respectfully assert although figures 5A-5J of Sun show a number of functionalities, they do not teach or suggest the function of "searching" in accordance with claims 15 and 26.

The Examiner also asserts on pages 8-9 of the Office Action that figure 4 and page 5 of Reichman disclose the functions of searching. However, figure 4 does not disclose a search function. Moreover, the Office Action provides no motivation or suggestion in the prior art to modify Sun to include the teachings of Reichmann. There is no proper motivation to combine these references because, among other things, Reichmann does not even discuss wireless communication devices. Rather, Reichmann focuses on traditional landline telephony without addressing the very different environment of a wireless communication device. For the above reasons, claims 15, 26, and all of their dependent claims (claims 18-20 and 27-29) are in condition for allowance because the Examiner has failed to establish a *prima facie* case of obviousness.

**ii. "Translating"**

The Examiner admits that Sun does not disclose the function of translating. On page 6 of the Official Action, the Examiner takes Official Notice that the function of translating is both old and well known in the art. Applicants respectfully assert that the function of translating recorded two-way wireless conversations would not have been obvious to one of

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ordinary skill in the art. Pursuant to MPEP §2144.03, Applicants hereby request that the Examiner provide a duly executed affidavit or other documentary evidence in support of his taking of Official Notice. Moreover, the Office Action fails to provide any suggestion or motivation for modifying Sun to include a translating function.

The Examiner also asserts on pages 8-9 of the Office Action that figure 4 and page 5 of Reichman disclose the function of translating. However, Applicants respectfully assert that Reichmann does not disclose a translating function. While Reichmann does disclose using software to manipulate recorded audio files (page 5, lines 20-30), there is no teaching in Reichmann of the manipulation including a translating function. Moreover, as discussed above, the Office Action provides no motivation or suggestion in the prior art to modify Sun to include the manipulation disclosed by Reichmann. For these reasons, claims 15, 26, and all of their dependent claims (claims 18-20 and 27-29) are in condition for allowance because the Examiner has failed to establish a *prima facie* case of obviousness.

iii. "Converting"

The cited art fails to teach or suggest the function of converting as recited in claims 15 and 26. On page 6 of the Office Action, the Examiner asserts that his proposed "translating" modification to Sun would then allow conversations to be transcribed as suggested by Reichmann. However, as discussed above, the Office Action fails to provide any motivation or suggestion for modifying Sun to include a translating function. Moreover, as discussed above, the Office Action provides no suggestion or motivation for combining Reichmann with Sun. Therefore, the converting function recited in claims 15 and 26 would not have been obvious to one skilled in the art.

Further, Applicant respectfully asserts that Reichmann does not teach the function of "converting" as recited in claims 15 and 26. Although Reichmann uses the term "transcription" to describe its system, there is no teaching in Reichmann that "transcription" refers to the function of converting recorded conversation data as claimed in claims 15 and 26. Instead, it appears that Reichmann's use of the term "transcription" is limited to the audio recording of telephone communications for future reference. Specifically, Reichmann teaches "transcribing telephone calls as a digital audio file, and forwarding the digital audio file electronically to a pre-selected address" (Reichmann at page 1, lines 6-9). Therefore, neither Sun nor Reichmann teach the "converting" function as recited in claims 15 and 26. Accordingly, claims 15, 26, and all of their dependent claims (claims 18-20 and 27-29) are in condition for allowance because the Office Action failed to establish a *prima facie* case of obviousness for every claim limitation.

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(PATENT)**B. Claims 18 and 27**

The cited references do not teach all of the functions recited in claims 18 and 27. In particular, claims 18 and 27 recite an audio-to-text converter that converts audio data to text data. The Examiner admits that Sun does not disclose this claim limitation (Office Action, page 7). Further, based on the above arguments, it is clear that Reichmann does not teach an audio-to-text converter. On page 7 of the Office Action, the Examiner took Official Notice that the audio-to-text converter is both old and well known in the art and would motivate one of ordinary skill in the art to modify Sun to include such a function. However, Applicants assert that converting audio to text is not known in regards to managing recorded wireless two-way conversations. Pursuant to MPEP §2144.03, Applicants hereby request that the Examiner provide a duly executed affidavit or other documentary evidence in support of his taking of Official Notice.

Moreover, Sun provides no suggestion or motivation for the modification suggested by the Examiner on page 7 of the Office Action. Specifically, Sun contains no teaching of converting recorded audio files to text. For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness against claims 18 and 27. Therefore, claims 18, 27, and all of their dependent claims (claims 19 and 28) are in condition for allowance.

**C. Claims 19 and 28**

Claims 19 and 28 recite that the "translating function is conducted by a text translation service that converts at least a portion of said text data from a first language to a second language." Accordingly, claims 19 and 28 are in condition for allowance based on the arguments discussed above in relation to the "converting" function of claims 18 and 27. Further, the Examiner admits on page 9 of the Office Action that neither Sun nor Reichmann disclose a translating function "conducted by a text translation service that converts at least a portion of said text data from a first language to a second language." The Examiner then takes Official Notice that this function is both old and well known in the art. (Office Action, pages 7 and 9). However, Applicants assert that translating recorded wireless two-way conversation using a text translation service is not known in the art. For instance, none of the cited references teach such functionality. Pursuant to MPEP §2144.03, Applicants hereby request that the Examiner provide a duly executed affidavit or other documentary evidence in support of his taking of Official Notice. As discussed above, Reichmann does not teach converting audio data to textual data.

Moreover, the Office Action provides no teaching or suggestion for combining Sun and Reichmann. For the above reasons, the Office Action does not establish a *prima facie*

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case of obviousness, and claims 19, 28, and all of their dependent claims (20 and 29) are in condition for allowance.

**D. Claims 20 and 29**

Claims 20 and 29 recite an audio translation service. The Examiner admits on pages 9-10 of the Office Action that neither Sun nor Reichmann disclose this function. Again, the Examiner takes Official Notice that this function is well known in the art. (Office Action, pages 7 and 10). For the same reasons discussed above, Applicants assert that the claimed translation service is not known in regards to recorded wireless two-way conversations. The Office Action fails to provide any suggestion or motivation for modifying Sun to include a translating function. Again, pursuant to MPEP §2144.03, the Applicants hereby request that the Examiner provide a duly executed affidavit or other documentary evidence in support of his taking of Official Notice. Moreover, the Office Action fails to provide any suggestion in the art for the combination of Sun and Reichmann. For these reasons, claims 20 and 29 are nonobvious and in condition for allowance.

**E. No motivation or suggestion to combine Sun and Reichmann**

Claims 15, 18-20, and 24-29 are all in condition for allowance because the Office Action does not provide a motivation or suggestion in the cited references for their combination. Without such a suggestion in the cited art, no *prima facie* case of obviousness has been established. Throughout the Office Action, the Examiner appears to take Official Notice and then rely on the Officially Noticed feature to modify Sun. Then the Examiner appears to rely on the modification as motivation to combine Sun and Reichmann. However, it is an unreasonable stretch to modify Sun as done by the Examiner to create a motivation to combine Sun with Reichmann. Applicants assert that the cited art contains no motivation or suggestion for their combination. Further, to the extent that the Examiner has relied on Official Notice as a motivation for combination of Sun and Reichmann, Applicants request, pursuant to MPEP §2144.03, that the Examiner provide a duly executed affidavit or other documentary evidence in support of his taking of Official Notice.

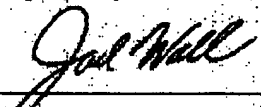
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(PATENT)**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347.

Respectfully submitted,

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By

  
Joel Wall, Reg. No. 25,648  
Verizon Corporate Services Group Inc.  
600 Hidden Ridge Drive,  
Mailcode HQE03H14  
Irving, TX 75038  
Customer No.: 32127  
(972) 718-4800